

SERVED: April 30, 2002

NTSB Order No. EA-4967

UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Issued under delegated authority (49 C.F.R. 800.24)
on the 30th day of April, 2002

_____)	
JANE F. GARVEY,)	
Administrator,)	
Federal Aviation Administration,)	
)	
Complainant,)	
)	Docket SE-16430
v.)	
)	
HUGH MATTINGLY PADGETT,)	
)	
Respondent.)	
_____)	

ORDER DISMISSING APPEAL

On December 25, 2001, respondent filed a timely notice of appeal from the written decision Administrative Law Judge William A. Pope, II, issued in this case on December 12, 2001, granting the Administrator's motion for summary judgment.¹ However, respondent did not subsequently file a timely appeal brief,² and his appeal is therefore subject to dismissal under section

¹The law judge affirmed an order of the Administrator revoking any and all FAA Medical and Commercial Pilot certificate(s) held by respondent, including his FAA Medical certificate issued September 16, 2000, and his Commercial Pilot Certificate No. 261485827, for his alleged violations of sections 61.15(a)(2) and 67.403(a)(1) of the Federal Aviation Regulations, 14 CFR Parts 61 and 67.

²Petitioner's appeal brief was due on January 11, 2002.

821.48(a) of the Board's Rules of Practice.³ See 49 CFR Part 821.

ACCORDINGLY, IT IS ORDERED THAT:

Respondent's appeal is dismissed.

Ronald S. Battocchi
General Counsel

³Section 821.48(a) provides as follows:

§ 821.48 Briefs and oral argument.

(a) *Appeal briefs.* Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief.